

*Valencia v. Live Lion Security LLC*  
No. 21 Civ. 448 (PK)

**EXHIBIT E**

**Proposed Order Granting Preliminary  
Approval of Settlement**

Affirmation of Louis Pechman in Support of Motion  
for Preliminary Settlement Approval

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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RAMON VALENCIA, on behalf of himself and all	:	
others similarly situated,	:	
	:	
Plaintiff,	:	
	:	
-against-	:	21 Civ. 00448 (KAM)(PK)
	:	
LIVE LION SECURITY LLC, BENJAMIN MEHREL,	:	
and JOSEPH JACOBOWITZ,	:	
	:	
Defendants.	:	
-----	X	

**[PROPOSED] ORDER GRANTING  
PRELIMINARY APPROVAL OF SETTLEMENT**

On \_\_\_\_\_, 2022, the Court heard an unopposed motion by Plaintiff Ramon Valencia and opt-in Plaintiff Norelvi Serrano (together, "Class Representatives") and the above-captioned Defendants. The Court has considered the Joint Stipulation of Class and Collective Action Settlement and Release ("Stipulation") and the proposed Notice of Proposed Class and Collective Action Settlement ("Class Notice") and attached exhibits and hereby finds and orders as follows:

The Court finds on a preliminary basis that the settlement memorialized in the Stipulation, filed with the Court, falls within the range of reasonableness and, therefore, meets the requirements for preliminary approval.

The Court conditionally certifies, for settlement purposes only, the following class ("Class") described in the Stipulation: Individuals employed by Defendants at Live Lion Security LLC who (a) worked as security monitors; (b) were paid on an hourly basis; and (c) worked more than forty hours on at least one week and/or worked at least one shift longer than ten hours within the period of July 2017 through January 27, 2021 (the "Class Period"), as reflected in Defendants' payroll documents.

The Court finds, for settlement purposes only, the requirements of Federal Rule of Civil Procedure 23(a) and Federal Rule of Civil Procedure 23(b)(3) are satisfied, with the exception of the manageability requirement of Rule 23(b)(3) that the Court need not address for purposes of settlement. The Court further finds, for settlement purposes only, the requirements of the collective action provision of the Fair Labor Standards Act, 29 U.S.C. § 216(b), satisfied.

This Order, which conditionally certifies a class and collective action for settlement purposes only, shall not be cited in this or any other matter for the purpose of seeking class or collective certification, opposing decertification, or for any other purpose, other than enforcing the terms of the Stipulation.

The Court appoints Ramon Valencia and Norelvi Serrano, for settlement purposes only, as Class Representatives.

The Court appoints, for settlement purposes only, Pechman Law Group PLLC as Class Counsel for the purposes of settlement and the releases and other obligations therein.

The Court appoints, for settlement purposes only, Rust Consulting Inc. as Settlement Administrator to carry out the duties and procedures set forth in the Stipulation, including the dissemination of Class Notices to all Class Members.

The Court approves the proposed Class Notice, attached to the Affirmation of Louis Pechman in Support of Motion for Preliminary Approval of Class Action Settlement as Exhibits B and C. The Court orders the Settlement Administrator to mail those documents to the Class Members as provided in the Stipulation.

Each Class Member will have one hundred (100) days from the date on which the Settlement Administrator mails the Class Notice to seek exclusion from or object to the

Settlement by serving a statement of exclusion or objection on the Settlement Administrator as set forth in the Stipulation. The Settlement Administrator shall provide a copy of any objection received to Counsel for Defendants and Class Counsel, and Class Counsel shall file same with the Court.

The Court will conduct a Final Approval Hearing on \_\_\_\_\_, 2022, at \_\_\_\_ a.m./p.m. to determine the overall fairness of the settlement, attorneys' fees and costs to Class Counsel, service awards to the Class Representatives, and fees and costs to the Claims Administrator. The Final Approval Hearing may be continued without further notice to Class Members. Class Counsel shall file the motion for final approval of the settlement sought in the Stipulation on or before \_\_\_\_\_, 2022.

**SO ORDERED.**

Dated: Brooklyn, New York

\_\_\_\_\_, 2022

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**HON. PEGGY KUO**  
**UNITED STATES MAGISTRATE JUDGE**